

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HEART TO HEART HOSPICE OF
TEXAS, LTD.,

Plaintiff,

v.

XAVIER BECERRA, in his official
capacity as Secretary, UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:23-cv-2704-x

MEMORANDUM OPINION AND ORDER

Before the Court is Xavier Becerra’s (“DHS”) unopposed motion for leave to file under seal the administrative record from the agency decision Plaintiff Heart to Heart Hospice of Texas, Ltd. appeals in this suit (the “Motion”). (Doc. 44). The Court **GRANTS** the Motion and **ORDERS** the clerk’s office to file the administrative record on the docket under seal.

I. Legal Standards

The Court takes very seriously its duty to protect the public’s access to judicial records.¹ Transparency in judicial proceedings is a fundamental element of the rule of law—so fundamental that sealing and unsealing orders are immediately appealable under the collateral-order doctrine.² The public’s right to access judicial

¹ See *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418 (5th Cir. 2021).

² *June Med. Servs. v. Phillips*, 22 F.4th 512, 519 (5th Cir. 2022).

records is independent from—and sometimes even adverse to—the parties’ interest.³ That’s why the judge must serve as the representative of the people and, indeed, the First Amendment, in scrutinizing requests to seal.

II. Motion for Leave to File Administrative Record Under Seal

This case is an appeal from the decision of an administrative law judge’s decision. In reviewing such a decision, Article III courts “shall review the whole record or those parts of it cited by a party.”⁴ DHS requests leave to file the entire administrative record so this Court can do just that. However, as DHS explains in its Motion, the record is composed of numerous volumes and thousands of pages, “the vast majority of which are patient medical records or otherwise contain confidential patient information belonging to non-parties who are Medicare beneficiaries,” along with ten large spreadsheets containing patient information.⁵

The sensitive nature of individual patients’ medical data and Medicare claims outweighs the public interest in the administrative record as a whole. The calculus may well be different when the Court rules on substantive motions based on specific documents within the record.

III. Conclusion

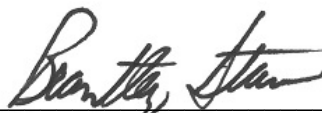
The Court GRANTS DHS’s Motion and ORDERS the clerk’s office to file the administrative record on the docket under seal.

³ *Id.*

⁴ 5 U.S.C. § 706

⁵ Doc. No. 44, 1.

IT IS SO ORDERED this 13th day of September, 2024.

A handwritten signature in black ink, appearing to read "Brantley Starr", is positioned above a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE